

#13 DAC 15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Masayuki SATO
Serial No.: 09/232,049
Filed: January 15, 1999
Title: **METHOD AND SYSTEM FOR RACING CONTROL
OF OPERATIONS IN SYSTEM MANAGEMENT**
Examiner: Eric T. Hunt
Group Art Unit: 2142

May 20, 2003

Commissioner for Patents
Box DAC
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.137(b)

Sir:

Petitioner hereby petitions the Commissioner to accept the attached Request for Continued Examination (RCE) as if the RCE were timely filed and no Abandonment had ever occurred.

The above-identified application was abandoned on April 18, 2003 by failure to file an RCE. Applicant hereby petitions the Commissioner to revive the current application, and avers that the entire delay in responding to the Notice was unintentional.

The Commissioner is hereby authorized to charge the issue fee (set forth in 37 C.F.R. § 1.18) for other than a small entity and the petition fee required by § 1.137(b)(2) as set forth in § 1.17(m) to Deposit Account No. 50-1290.

05/22/2003 AWONDAF1 00000014 501290 09232049

03 FC:1453 1300.00 CH

11160658.01

Filed by Express

(Receipt No. EV 33227500045)

on May-20-03

pursuant to 37 C.F.R. 1.10.

by [Signature]
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The Commissioner is hereby authorized to charge the petition fee required by § 1.137(b)(2) as set forth in § 1.17(m) to Deposit Account No. 50-1290 for a three-month extension. As fees associated with a two-month extension have already been paid with the filing of an initial Response to Office Action on April 16, 2003 , Applicant suggests that extension fees due are in the amount of \$520.00 (\$930.00 -\$410.00). Any other fees due with this petition may also be charged on Deposit Account 50-1290.

All other associated fees may be charged on Deposit Account 50-1290.

Please direct any inquiries regarding this petition to the Applicant's undersigned attorney who may be reached directly by telephone at (212) 940-8729.

Respectfully submitted,



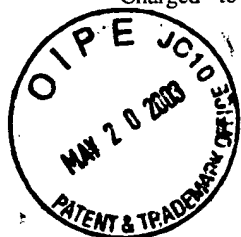
Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NEW YORK 10022-2585
PHONE: (212) 940-8800/FAX: (212) 940-8776
DOCKET No.: FUJA 15.799 (100794-11120)

15

Any fee due with this paper may be
Charged to Deposit Account No. 50-1290



Filed by Express Mail
Receipt No. 61332275000115
on 5-20-03
pursuant to 37 C.F.R. 1.10.
By Patricia Muir
Patricia Muir

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Masayuki SATO
Serial No.: 09/232,049
Filed: January 15, 1999
Title: **METHOD AND SYSTEM FOR RACING CONTROL
OF OPERATIONS IN SYSTEM MANAGEMENT**
Examiner: Eric T. Hunt
Group Art Unit: 2142

May 20, 2003

Commissioner for Patents
Washington, D.C. 20231

Adjustment date: 05/30/2003 CKHLOK
05/22/2003 AWONDAF1 00000014 501290 09232049
02 FC:1253 520.00 CR

PETITION FOR EXTENSION OF TIME

Sir:

Applicant requests that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for:

() one month (X) three months
() two months () four months

The fee set in 37 CFR 1.17 for a three-month extension of time is \$520.00 (difference between \$930 and the two-months fee, already paid with the 4/16/03 Response)

(x) Fee enclosed. Please charge any additional fee required for this extension of time to Deposit Account No. 50-1290. A duplicate copy of this paper is enclosed.

(xx) Charge fee to Deposit Account No. 50-1290. A duplicate copy of this paper is enclosed.

() Applicant is a small entity entitled to pay reduced fees in this application.

A verified small entity statement:

() has been filed () is enclosed.

05/22/2003 AWONDAF1 00000014 501290 09232049

02 FC:1253 520.00 CH

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Also enclosed is a:

- (X) Petition under 37 C.F.R
- () Response/ Amendment () Notice of Appeal () Appeal Brief
- (X) Request for Continued Examination (RCE)
- () Sub Power of Attorney/Change of Correspondence Address

Respectfully submitted,



Thomas Bean
Reg. No.44,528

CUSTOMER NUMBER 026304

KATTEN MUCHIN ZAVIS ROSENMAN
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8703
Docket No.: FUJA 15.799
• TJB: pm

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Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/232,049
Filing Date	January 15, 1999
First Named Inventor	Masayuki SATO
Art Unit	2142
Examiner Name	Eric T. Hunt
Attorney Docket Number	FUJA 15.799

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on April 16, 2003
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition to Revive
Petition for Extension of Time

2. **Miscellaneous**

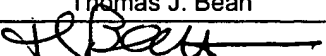
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1290
- i. ☒ RCE fee required under 37 CFR 1.17(e) 05/22/2003 AMONDAF1 00000014 501290 09232049
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 750.00 CH
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas J. Bean	Registration No. (Attorney/Agent)	44,528
Signature		Date	May 20, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)		Date	
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>5-29-03</u>		2 Serial/Patent # <u>09/232,049</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
<input checked="" type="checkbox"/>	Extension of Time	<u>15</u>	<u>5/20/03</u>	\$ <u>520⁰⁰</u>
<input type="checkbox"/>	Notice of Appeal/Appeal			\$
<input type="checkbox"/>	Petition			\$
<input type="checkbox"/>	Issue			\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ <u>520⁰⁰</u>
10 REASON:		8 TO BE REFUNDED BY:		
		Treasury Check		
		Credit Deposit A/C #:		
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <u>50</u>--<u>1290</u> </div>	
<input type="checkbox"/>	Duplicate Payment			
<input checked="" type="checkbox"/>	No Fee Due (Explanation): <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 10px;">outside the SSP.</div>			
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>John Layman</u>		TITLE: <u>Proprietor</u>		
SIGNATURE: <u>[Signature]</u>		PHONE: _____		
OFFICE: _____				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>5/30/03</u>		

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Fee Collection

Sale Edit Payment Void Adjust View Utilities Window Help

Sale
 Matroom Dt: 052003 Received Dt: 052103 Type: 1 Name/Number: 09232049 Attorney Docket No.: FUJA 15.799

Fee Entry
 Fee Code: 1501

Error
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 OK

TOTAL \$1,300.00 \$1,300.00
 Balance Owed:
 Excess Payment Balance:

05/22/2003 AWONDAF2

Revenue Accounting and Management (RAM) Release 2.8 (040503) AWONDAF2

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